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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,007	10/01/2004	Manfred-Otto Staebeler	1441	6525

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Stricker Stricker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,007

Applicant(s)

STAEBELER ET AL.

Examiner

Hwei-Siu C. Payer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

The preliminary amendment filed on February 1, 2001 has been entered.

Objection to the Specification

The disclosure is objected to because of the following informalities:

- (1) On page 1, line 4, "according to the preamble to claim 1" should be deleted.
- (2) On page 1, line 21, "with the features of claim 1" should be deleted.

Appropriate correction is required.

Objection to the Specification

Claims 1-15 are objected to because of the following informalities:

- (1) In claim 1, "preferably", "in particular" and "particularly" are indefinite and should be deleted.
- (2) In claim 1, line 9, "the lower arm" has no clear antecedent basis. The phrase should read --a lower one of said arms--.
- (3) In claim 1, line 10, "transmission mechanism" should read --a transmission mechanism--.
- (4) In claim 2, line 5, "mains" should read --main--.
- (5) In claims 2, 6, 7, 9, 11 and 12, "in particular" should be deleted.

- (6) In claim 4, line 3, after "end", --thereof-- should be added.
- (7) In claim 5, line 2, "a leaf spring" should read --a lower leaf spring-- (note "the lower leaf spring" in claim 12).
- (8) In claim 6, "the crank pin" has no clear antecedent basis. It appears claim 6 should depend from claim 4.
- (9) In claim 7, line 2, "the upper arm" has no clear antecedent basis. The phrase should read --an upper one of said arms--.
- (10) In claim 7, line 3, "a leaf spring" should read --an upper leaf spring-- (note "the upper leaf spring in claim 9).
- (11) In claim 7, line 4, "the other end" should read --one end--.
- (12) In claim 7, line 6, "the supports" has no clear antecedent basis. It appears claim 7 should depend from claim 5.
- (13) In claim 9, line 6, "the arm" should read --the upper arm--.
- (14) In claim 10, "the leaf springs" has no clear antecedent basis. It appears claim 10 should depend from claim 7.
- (15) In claim 10, "preferably" should be deleted.
- (16) In claim 10, line 6, "the fork ends" should read --fork ends--.
- (17) In claim 11, "the leaf springs" and "the slot" have no antecedent basis. It appears claim 11 should depend from claim 10. Also, "a clamping end" should read --the clamping end-- since it refers to the one cited in claim 10.
- (18) In claims 12 and 15, "particularly" should be deleted.

(19) In claim 13, line 5, "the user's hand" should read --a user's hand--.

(20) In claim 13, line 9, "the second arm" should read --an upper one of said arms--.

(21) In claim 15, "the leaf springs" has no clear antecedent basis. It appears claim 15 should depend from claim 7.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-14, it is not clear what element "engages an elastic support" to secure the jigsaw blade. As shown in Fig.3, neither the crankshaft 116 nor the motor 11 engages the elastic support 51 of Fig.4.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dremel (U.S. Patent No. 2,233,862) in view of Beebe (U.S. Patent No. 1,826,983) and Adomatis (U.S. Patent No. 5,027,518).

Dremel's hand-guided power jigsaw (Fig. 1) shows all the claimed structure except the jigsaw blade is magnetically actuated rather than powered by a motor and a transmission mechanism, and Dremel's jigsaw lacks an on/off switch button.

Beebe shows a jigsaw blade powered by a motor (5), a crankshaft (20) coupled to the motor (5) and connecting a connecting rod (15) which engages an elastic support (13) for securing a jigsaw blade (26).

It would have been obvious to one skilled in the art to modify Dremel by powering the jigsaw blade by means of an elastic support which is actuated by a motor and a transmission mechanism of a crankshaft-and-connecting rod type such as that of Beebe's. The modification is obvious since it would only involve substituting one known type of power drive for another for actuating a jigsaw blade.

Adomatis teaches it is desirable to provide a hand-guided power saw with an on/off switch button (17).

It would have been obvious to one skilled in the art to further modify Dremel by providing the hand-guided power saw with an on/off switch button to facilitate turning on and off the power saw as taught by Adomatis.

Indication of Allowable Subject Matter

Claims 2-4, 6 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacFarland, Lin, Charonnat, Brundage, Frech et al. '176 and '979 are cited as art of interest.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

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H. Payer

H Payer
September 1, 2006

Hwai-Siu Payer
Primary Examiner